THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.16450 OF 2006

Date: 11.12.2007

Between:

Kondu Ramakishan Rao

. . .Petitioner

AND

The Special Deputy Collector/
Land Acquisition Officer, Sripadasagar Project
(Ellampally) and others

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.16450 OF 2006

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondent Nos.1 and 2 in not referring the dispute relating to payment of compensation in respect of lands admeasuring Ac.1.02 guntas and Ac.2.22 guntas comprised in Survey No.45/B and House bearing Nos.1-69, 1-69/1, 2 and 4 respectively situated at Marmokor Mandal, Ramagundam, Karimnagar District as illegal and arbitrary.

In the counter-affidavit filed by Smt.C.Sunanda, Special Deputy Collector, Land Acquisition Unit, Sripadasagar Project, Yellampally, Ramagundam, Karimnagar District, it is averred as under:

> "….However, in view of the case in O.S.No.46 of 2006 of Senior Civil Judge, Peddapalli and the other documents produced by the petitioner the amount has been kept in P.W.D. account in order to avoid delay in making the adjustment of the accounts. However, vide this office Proc.No.B/220/06, dt.07-02-2007, sanction has been accorded to withdraw the amount to the tune of Rs.1,57,500-00 and deposit the same in the Hon'ble Court of the Senior Civil Judge, Peddapalli.
>
> In reply to the averments made in Para 5 of the petitioner's affidavit, it is submitted that whenever the disputes arise, it is for the Land Acquisition Officer to refer the case under Section 30 of the Land Acquisition Act. Even now the compensation amount in respect of Sy.No.45/B covering an extent of Ac.1-02 Gts., is kept in the P.W.D. account and the same is being deposited in the Civil Court for adjudication under Section 30 and 31(2) of the Land

Acquisition Act."

In view of the stand taken by Special Deputy Collector, Land Acquisition Unit, Sripadasagar Project in the above reproduced portion of the counter-affidavit wherein it is agreed that the dispute between the petitioner and respondent Nos.3 to 9 is being referred to under Sections 30 and 31 of the Land Acquisition Act, 1894, adjudication of the writ petition on merits is not required.

The writ petition is accordingly closed.

C.V.NAGARJUNA REDDY, J

11th DECEMBER, 2007

kvni